THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.30452 OF 1997

DATED: 18-04-2006

BETWEEN

S. Vazeer Basha

S/o. Sabjan Saheb,

R/o. Srikalahasti,

Chittoor District

and another.

...PETITIONER

AND

The Mandal Revenue Officer,

Srikalahasti Mandal,

Chittoor District and others.

...RESPONDENTS

ORDER:

Petitioners seek a Writ of Mandamus to declare the action of the respondents in trying to demolish the petitioners properties bearing H.No.7/262 of the first petitioner and H.No.7/260 of the second petitioner both situated at Nagarchi Street, Kumaraswamy Thippa, Srikalahasti, Chittoor District as illegal and arbitrary.

Learned counsel for the petitioners submits that the petitioners are the owners of the

aforementioned properties and they have constructed the buildings after getting necessary sanction from the respondents without encroaching the road margins. He further submits that while so the third respondent threatened to demolish the said buildings of the petitioners on the ground that they have encroached road margins. The learned counsel for the petitioners further submits that the fourth respondent is also taking steps to widen the roads and in this process they are taking steps to demolish the premises of the petitioners.

If any individual encroaches the road margins it is open for the respondents to issue notice and take appropriate action for eviction and for demolition of the illegal constructions. If any property is required for widening of the road it is open for the respondents to initiate action for acquiring the said land under the Land Acquisition Act but without following due process of law the structures of the petitioners cannot be demolished and the petitioners cannot be dispossessed.

Having regard to the facts and circumstances of the case,
the writ petition is disposed of directing the respondents to follow the due process of law and take appropriate action for eviction and demolition of the said structures and implement the road-widening programme following due process of law.

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V. ESWARAIAH, J

April 18, 2006

DSK